



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,435	04/11/2006	Poul Henrik Ahm	1175/76182	1854

7590
Donald S Dowden
Cooper & Dunham
1185 Avenue of the Americas
New York, NY 10036

12/11/2007

EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT	PAPER NUMBER
----------	--------------

3641

MAIL DATE	DELIVERY MODE
-----------	---------------

12/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,435	Applicant(s) AHM ET AL.	
	Examiner Christopher J. Novosad	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it contains legal language, specifically “said” in line 2. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 1-7 and 15-18 are objected to because of the following informalities:

In claim 1, line 10, the recitation “stabilising” should be corrected to --stabilizing-- to correct a spelling error.

In line 1 of claims 2 and 15-18, the recitation “characterised” should be corrected to --characterized-- to correct a spelling error.

Similarly, in line 2 of claims 3-7, the recitation “characterised” should be corrected to --characterized-- to correct a spelling error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3641

In claim 1, line 17, the recitation “and/or” renders the claim indefinite since it is unclear whether both elements are intended to be recited or not.

In claim 7, line 4, the recitation “5” is indefinite since five auxiliary rollers do not appear to be present.

In claim 8, line 1, the recitation “it” is indefinite since it is unclear as to exactly what “it” is supposed to be.

In claim 14, line 2, the recitation “wherein said projections number rubber or plastic” is indefinite.

In claim 6, lines 3 and 4; and in claim 18, lines 2 and 4, the recitation “high” and “rough” respectively render the claim indefinite since these are relative terms and it is unclear as to exactly what is meant by “high” and “rough”.

Similarly, in claim 13, line 1, the recitation “rough” renders the claim indefinite since “rough” is a relative term it is unclear as to exactly what is meant by “rough”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nambu in view of Ahm.

In so far as to claims can be understood, Nambu discloses an (optionally self-propelling) machine for bedding out seed or plant tapes 3A, 3B,7 and including a frame 21,22, 23, where at least one bedding out unit 10 provided with a plough member 11, 12 is mounted on the frame, the machine further including a carrying pole 25 to be connected to the front of a tractor frame, and where the plough member 11, 12 is associated with a conveyor 56 including at least one continuous belt 73, as well as where the bedding out unit 10 is provided with a supporting plate 26 for at least one supply container 13 for the seed or plant tape 1 to be bedded out in a furrow produced by the plough member 11, 12, wherein the bedding out unit 10 includes a plough member 12, where the top webs of the plough are substantially horizontally projecting stabilising webs 11, and where the conveyor 56 of the plough member is formed by a very inclined main conveyor (see Fig. 10 and column 12, lines 11-16) with two continuous conveyor belts 73 arranged adjacent, but with a mutual, preferably adjustable distance to one another, the main conveyor 56 extending over most of, preferably substantially, the entire length of the plough member (see for example Fig. 2), and that at least two pressure plates 31 are mounted on the rear end of the machine (see Fig. 3) for pressing down the earth around the seed or plant tape portion which has just been bedded out in the furrow (column 7, lines 7-10).

The claims distinguish over Nanbu et al. in requiring (1) the pressure plates to be pressure wheels; (2) the supporting plate to be adjustable with respect to height and/or angle; and (3) the plough member to present a substantially U-shaped cross section and to be of a length (L) of at least approximately 30 cm and a width (b) measured across the U of 15 to 50 mm.

With respect to (1) Ahm shows that it is old for pressure wheels to be substituted by pressure plates 31. It is generally known to the person skilled in the art that this features are equivalents and can be interchanged where circumstances make it desirable for support.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the structure noted of Ahm in the machine of Nanbu et al. for the reason noted.

As to (2), as can be clearly seen in figure 3, changing the position of the intermediate portion of frame beams (25) to which frames (22) are connected would change the inclination of the supporting plate (26). So it is possible for the skilled person to adjust the height and/or angle of said plate (26) when circumstances make it desirable for optimum bedding depth.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the structure noted of in the machine of Nanbu et al. for the reason noted.

With respect to (3), the selection of a length (L) of at least approximately 30 cm and a width (b) measured across the U of 15 to 50 mm, preferably approximately 30 mm merely represents an obvious engineering design choice for optimum bedding performance.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the dimensions noted of in the machine of Nanbu et al. for the reason noted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 571-272-6993. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached at 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher J. Novosad/
Primary Examiner, Art Unit 3641

December 10, 2007